IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3814 OF 2006

Shri Shivajirao Annasaheb Shewale ..Petitioner

Vs.

Shri Akaram Anna Shewale & Anr. ..Respondents

Ms.A.S.Prabhu h/f Mr.N.V.Bandiwadekar for the petitioner

Mr.Vinod Jadhav for respondent no.1

Mr.V.D.Patil for respondent no.2

CORAM : A.P.DESHPANDE, J

DATED : 29TH NOVEMBER, 2006

P.C.:

1. The application moved by the petitioner herein, seeking amendment of the written statement has been rejected by the first appellate court and aggrieved thereby, the present writ petition has been filed.

2. The original plaintiff filed a suit for partition and separate possession against the defendants. The petitioner and defendant nos.1 and 2 are real brothers. The trial court has decreed the suit to the extent of 1/3rd share in the

property by holding that the same was joint family property and no partition was effected. It is the case of the petitioner that the partition was effected way back in the year 1964 and that some of the properties standing in the name of the defendant no.1, his wife and children are self acquired properties. Both the parties have led evidence touching the relevant issues framed by the trial court.

3. By the proposed amendment, the petitioner seeks to give further details and description of the properties standing in the name of wife and children. The first appellate court has found that it is not necessary, as both the parties have led evidence touching the issues. In my opinion as well, there is no need to amend the written statement and at any rate, the same is not necessary.

4. Perused the order passed by the first appellate court. No interference is called for. In the result, writ petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)